

Kentucky Water Well Drillers Certification Board Meeting

MINUTES

9-27-2013

9:20 AM CDT

Ken Lake Resort Park

ATTENDEES	Danny Kelly, Orris Hayes, Glynn Beck for Bart Davidson, Todd Mills, Scotty Robertson for David Jackson, Kevin Moses
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Agenda:

- ❖ Roll Call
- ❖ Opening Remarks
- ❖ Approval of Previous Meeting Minutes from June 28
- ❖ Old Business
- ❖ Status of Geothermal Well Drillers Legislation
- ❖ Discussion of an Apprentice Driller Program
- ❖ New Business
- ❖ Schedule Location, Date, and Time of Next Meeting
- ❖ Adjournment

CALL TO ORDER	Danny Kelly called the meeting to order at 9:20 am CDT.
ROLL CALL	Present were Danny Kelly, Orris Hayes, Glynn Beck for Bart Davidson, Todd Mills, Scotty Robertson for David Jackson, and Kevin Moses.
OPENING REMARKS	Danny noted that he hadn't yet spoken to any senators or representatives regarding the geothermal bill , and he stressed that the Board members <i>must</i> contact senators before the next meeting.
APPROVAL OF THE LAST MEETINGS MINUTES	After postponing this discussion for a short time to allow to see if Roy Toney had arrived for the meeting or not, Danny asked if everyone had looked at the minutes. Kevin said they looked fine and motioned that the minutes be accepted. Todd seconded the motion. The minutes were accepted unanimously.
	<p>After a pause in the discussion to approve the minutes, Danny asked for more comments on the geothermal bill. Orris noted that they must pre-file the geothermal bill before December 1. Danny noted that the bill is ready as is, and Orris agreed that he didn't know of any changes that needed to be made.</p> <p>Orris stated that the reason it failed before was because it never came up for a vote. He said he had spoken with Steve Collins, who works for Sen. Greg Stumbo, and Mr. Collins said that since it was the second time that it came to Senate after passing the House, it</p>

OLD BUSINESS

looked to him that it failed because Senator Ray Jones had introduced it and he is a Democrat, and the Senate is primarily Republican. Orris said that Steve Collins further stated that politics are an important thing to understand, and he suggested that Orris contact Senator Brandon Smith, majority whip in the Senate. Orris continued that Mr. Collins suggested that Orris try to get Sen. Smith and Sen. Jones to co-sponsor the bill in the Senate, and he noted that then ideally both sides would vote for it.

Orris said that he also spoke with Rep. Leslie Combs and she said she didn't know if Smith and Jones had a good relationship, but that Sen. Johnny Ray Turner (also a Democrat) and Sen. Smith are on good terms. Danny noted that Sen. Brandon Smith is also the chairman of the Natural Resources and Energy committee, which is the committee that the Bill will come through.

Orris suggested that it would be good to talk to the chairman of the Senate as well and stress to him the importance of the bill.

Danny pointed out that Senator Bob Leeper is also on the committee and that he has a lot of sway. Orris added that Sen. Combs emphasized that the bill would do better if more members of the Board contacted their senators.

Orris noted that the bill will be "new" next time, with a new number, and it will have to go through the House again before it gets to the Senate. He further noted that Rep Combs has entered it into the system.

Orris said that last time the Heating, Ventilation, Air Conditioning (HVAC) group wanted to change one word in the Bill, and LRC changed the word, but he couldn't remember what it was.

Danny then read a portion of the previously submitted House bill 306: *Act to Amend Kentucky regulatory statutes to define geothermal drilling allow for certification* and paused for discussion. **Attachment 1.**

Orris said that HVAC didn't want "excavated" to appear in the definition of a well. Danny thought they had changed the "deeper than it is wide" phrase, but Scotty said no, they didn't make that change. Danny said that maybe he was reading from the wrong copy of the bill, a version from before they made the change.

Glynn asked how many Kentucky Water Well Drillers Association members there were, and Danny said forty-two last year, this year seventy-one, so there's been a big increase. . Danny said they are actually the Kentucky Groundwater Association. Scotty noted that

OLD BUSINESS

there are 170 licensed drillers, with another twenty or so who have not renewed their licenses yet.

Glynn asked if they could put something together, like a form letter, regarding the bill for the well drillers to sign and then mail or email to their congressman. Danny said it was a good idea, and that the Association had done something like that previously.

Todd said that the monitoring well drillers aren't going to "give a darn" about responding to a letter that does not concern them.

Danny suggested having a copy of the form letter at the show for drillers to sign right there, and then collect them and send them to their senators. It was pointed out that a questionnaire had already been handed out at the last workshop and the only drillers to reply were monitoring well drillers and very few water well Drillers bothered to complete the form and turn it in.

Orris found another copy of the bill, but it had "excavated" in it too. He was told that was not the final version either.

The discussion resumed on the form letter. Glynn Beck suggested making the form letter available to other technical people. Danny opined that just sending it out over the internet such as in an email would result in people hitting "delete," and he suggested that it should be more personal.

Todd suggested sending it to the committee members in congress. He then changed the direction of the discussion as he identified the members of the 2013 Senate Standing Committee on Natural Resources and Energy: Jerry Carpenter, Chairman, Brandon Smith, Vice Chairman, Ray S. Jones of Pikeville, Bob Leeper of Paducah, Johnny Ray Turner, Joe Bowen of Owensboro, Chris Girdler of Somerset, Jerry Rhoads of Madisonville, John Schickel of Union, Robin Webb of Grayson and Whitney Westerfield of Hopkinsville.

Scotty said that he had emailed the Board members a list of the Senators with their email addresses and phone numbers. He then passed out paper copies of the list with their profiles. **Attachment 2.**

Danny suggested keeping Sen. Ray Jones in the loop, as well as a Democrat, and also Sen. Leeper who's an Independent, and then they'd get everybody's vote.

Orris suggested that it's who you know that's important, where politics are concerned. He then explained that the bill can be

OLD BUSINESS

introduced to the Senate, and then the Senate will transfer it to the House.

Danny asked if they should make a list and assign everybody a senator to call, and it was agreed. The list of the members of the 2013 Senate Standing Committee on Natural Resources and Energy and the assigned callers are:

Jared Carpenter of Berea, Republican, is the Chairman – assigned to Bart. Glynn said that he would pass him that information; Danny said that he would call him too.

Brandon Smith, Vice Chairman and Majority Whip, of Hazard, Orris said he would contact him.

Ray S. Jones, Democrat, of Pikeville, Orris will contact him.

Bob Leeper of Paducah, Todd and Danny will contact him.

Johnny Ray Turner, Orris will call him.

Joe Bowen of Owensboro, Danny will call him.

Chris Girdler, Republican, of Somerset, Kevin will contact.

Jerry Rhoads, Democrat, of Madisonville, Todd will call.

John Schickel, Republican, of Union, Kevin will call.

Robin Webb, Democrat, of Grayson, Orris will call her.

Whitney Westerfield, Republican, of Hopkinsville, Todd will call.

Danny asked if they should contact members of the House in the same way. Orris said yes, and he would go see Rep. Leslie Combs.

Scotty read the names of members of the 2013 House Standing Committee on Tourism Development and Energy in the House:

Rep. Keith Hall [Chair] Pike County, Orris will call

Rep. Mike Harmon [Vice Chair] Washington & Boyle County

Rep. Brian Linder [Vice Chair] Gallatin, Grant & Owen

Rep. Fitz Steele, Democrat [Vice Chair] Harlan & Perry

OLD BUSINESS

Rep. Kevin D. Bratcher, Republican, Louisville

Rep. Larry Clark, Democrat, Louisville

Rep. Leslie Combs – Orris will go see her.

Rep. Tim Couch, Clay, Harlan & Leslie – Orris noted that this was his territory

Rep. Myron Dossett, Christian County

Rep. Jim Gooch Jr., Davis Hopkins, McLean & Webster

Rep. Jeff Greer

Rep. Richard Henderson, Montgomery, Powell & Wolfe

Rep. Thomas Kerr, Kenton County

Rep. Kim King, Anderson, Mercer & Spencer

Rep. Martha Jane King, Logan & Todd

Rep. Tom McKee

Rep. David Osborne

Rep. John Short

Rep. John Will Stacy

Rep. Jill York

Danny noted that there were a lot of people on the committee and said that they should contact as many of the Representatives as possible in the next two weeks. He suggested that they could send a letter of interest in getting the bill passed to the House members.

Kevin said that the Kentucky Division of Water (DOW) can't write the regulations yet, that the DOW will not have the statutory authority to write the regulations until the bill is passed.

Danny noted that after the bill is passed, they would like to have the HVAC people involved in writing the regulations. Further, he noted that they would like to invite the HVAC people to the Board meetings. Danny believes that the HVAC people should have input into the regulations that will affect their business. Orris opined that

if they are interested they will attend.

Danny summarized the meeting so far, and wrapped up the discussion of the geothermal bill. Scotty asked that they send him an email or call him after they have contacted the members of Congress to let him know what they said, and he will keep track of where the bill stands.

Danny called a fifteen minute break at 10:30am. The meeting reconvened at 11:10 am CDT.

Danny opened the topic of **driller apprenticeship program**.

He read Joe Moffitt's comments on the driller apprenticeship program, that Scotty provided at previous board meeting.

Attachment 3

Danny (reading) "The apprenticeship program basically gives the rig operator more time to drill and pass the exams. It should have a time limit, like one or two years, for the rig operator to drill under the certified driller's license.... "

Danny, still reading, "Some things to consider * When do drillers apply for program, anytime, or quarterly, or once or twice a year? It makes a difference for person trying to track them. * Can the drillers complete the well or should they be just limited to drilling and setting the surface casing, etcetera? * If a well inspector finds a drilling problem, should the responsible certified driller be required to be on site within thirty minutes?"

Danny said that those are the things that Joe Moffitt brought up, and asked if there were any comments.

Kevin opined that it's difficult to be thirty minutes from the drill, and noted that most of his work is an hour and a half away from the house.

Todd opined that the driller apprentice program could be even more valuable to the monitoring well driller than to the water well drillers. He noted that his company has seven rigs and three drillers that can run the rigs, and a couple other guys that don't run rigs.

Todd further stated that his guys can't seem to take the test successfully, and he opined that the rig operator program got completely and totally out of hand before.

Orris agreed that the rig operators of twenty years ago got out of

hand.

Danny agreed that it was completely out of hand back then, one driller in particular hadn't been on a drill site in fifteen years.

Kevin stated that he did take the time to write down his proposal for the driller apprentice program as assigned at the last meeting.

(Attachment 4) He passed out a copy to everyone and waited while they read it.

Kevin then summarized the proposal by describing it as very juvenile, very simple, and not a complicated training program. Kevin further said he had talked to Luke Ewing the other day and learned that Tennessee has its own exam which is considered easier than the National Ground Water Association (NGWA) test.

A discussion of the Tennessee program then ensued. Danny noted that the regulations for drilling in Tennessee were more stringent than in Kentucky.

Kevin opined that everybody's breaking the rules and they don't turn the paperwork in. He described how he had seen brand new casing in the ground the other day with no well tag on it.

Danny asked Scotty if the irrigation people in western Kentucky weren't registering their wells. Scotty noted that he gets regular reports from Gus, Stark, Danny, Garner of Tennessee, and Bingham, and Fondaw occasionally.

Danny said that he believed that Sikes wasn't sending them in, Irrigation Central, but Scotty said that they contract someone else to drill their wells. Scotty said if you find an untagged well, try to identify the property owners and then give him the information and he would look into it.

Orris opined that the only way you are going to get a good driller is to train him. He then read his statement on the apprentice rig operator program. The main points are as follows: * the rig operator had no intention of becoming a certified driller, * the rig operator would have to pay a small fee to attend the driller workshop, and * drilling companies would only be allowed to have a certain number of rig operators based on the number of rigs they own.

Glynn inquired why, in the past, they didn't just modify the rig operator program to allow only a certain number of rig operators per certified driller instead of eliminating the program all together.

Kevin replied that according to statute it was in violation of the law, which required that only a certified driller could drill a well.

Orris noted that the reason drillers are required to be certified is to protect the groundwater. He also noted that the Association exists to help the drillers become better drillers.

A discussion then ensued on the NGWA exam.

Todd noted that regardless of what you call them, rig operator, journeyman, or apprentice, they need good basic knowledge and supervised freedom to run the rig.

Scotty noted that the Cabinet will not support a regulation change back to the way it used to be. Scotty explained that the Board will have to write a letter to the Cabinet and explain how this new proposed program will be different. Scotty continued that the Board will probably have to submit an amendment to the statute through Congress (State Legislature) in order to do this.

Orris opined that the current exams do not cover the situations that the drillers are currently working in.

Scotty noted that his understanding is that the regulations will have to be opened and rewritten to comply with the statute, or the statute will have to be amended. Currently, the regulations require the NGWA exams.

Orris noted that the regulations must comply with the guidance documents of July 13, 1984. Scotty noted that they were amended in 2008. Orris concluded that the regulation is already in place, and Scotty agreed that the manual doesn't address apprentice program or geothermal drilling. Scotty opined that more than likely it will take statute change to allow them.

Todd made a motion for Scotty to do the research to determine if it will require a regulation change or a statutory change and report back to the Board. Todd opined that they need to know what they are getting into. Kevin seconded the motion. Danny then called for a vote on the motion, and it passed unanimously.

Kevin noted that his rigs are slightly over the allowable weight limit (by 4000 pounds), but he's been brought into compliance by working with John Schneider of DOT who invoked an emergency act to speed up the process of getting him into compliance. He explained that he brought up the weight limit situation to illustrate that an emergency act can be issued in one situation so why can't they have an

emergency act for the well driller program.

Danny became confused by Kevin's analogy, but agreed the process needed to be speeded up

Orris suggested that instead of a driller's license maybe we should have a permitting process.

Scotty explained that somebody would still have to submit an amendment to Congress (State Legislature).

Kevin opined that it was ridiculous that he will have to wait four years before the driller apprentice program can be enacted, and he'd like to see an emergency act initiated now. Kevin continued that it's not just him but he knows of others out there who are struggling.

Glynn suggested a Driller in Training type program. A discussion followed about this type of schooling and paying employees to get training.

Then Danny read aloud from notes given out at the last board meeting, about a vocational school in Florida on how to become a driller. **Attachment 5.** Scotty said that it was an example of several schools out there that individuals could attend to learn how to be a driller.

Orris and Kevin discussed how drilling rigs need to be balanced and still comply with the DOT regulations. The discussion then branched to include overweight cranes.

Kevin stated that his previous analogy was meant to get his point across that the system needs to move faster. Kevin said that the NGWA exams are killing his business.

Orris read his own thoughts as to what an apprenticeship should require. The board was basically all on same page with Kevin's thoughts.

Orris was of the opinion that if an employee has a rig operator's license it will help keep him in the same employment since he will have to be employed by a certified driller.

Orris told of his experience taking the test many years ago, and how he got the choice of which test to take. He asked Scotty how the test had been given originally. Scotty stated that Kentucky administered the NGWA test back then. Orris suggested having an

	<p>option of a taking a NGWA exam or a exam written by the DOW that was specific to Kentucky geology and drilling methods.</p> <p>Kevin stated that the law, as written, is killing his business and people drilling without certifications were also impacting his business in a negative way. He asked what we can do about that problem. Scotty said he can't do anything about it if he doesn't know about it. Scotty explained that he cannot police the state by himself and he needs the drillers to tell him when they see somebody drilling without a license or otherwise in violation of the drilling regulations.</p> <p>A discussion ensued about how drillers and consultants are currently getting around or otherwise avoiding compliance with the regulations and how they may be better enforced.</p> <p>Danny asked if there were any other old issues. There were none.</p>
NEW BUSINESS	<p>Danny asked if there was any new business. None was mentioned.</p>
NEXT BOARD MEETING	<p>Danny noted that the location for the next meeting had been predetermined to be at Carter Caves.</p> <p>After some discussion, Orris motioned, and it was seconded by Todd. Then unanimously agreed upon, by the board, that the next meeting, will be held at 9 am EST on November 15th at Carter Caves State Resort Park.</p>
ADJOURNMENT	<p>Danny asked to hear a motion to adjourn. Kevin made a motion to adjourn. Orris seconded the motion and the motion passed unanimously.</p> <p>Meeting adjourned at 12:30 pm CDT.</p>

Attachments 1 through 5